

Godbole, et al.
U.S. Application No. 09/756,247

REMARKS

Claims 10-12 and 25 are under consideration and pending in the application.

The Outstanding Rejections

The Examiner rejected claims 10-11 and 25 under 35 U.S.C. §112, first paragraph as allegedly failing to comply with the written description requirement.

The Examiner rejected claims 10-12 and 25 under 35 U.S.C. §112, second paragraph as allegedly being indefinite.

Finally, the Examiner rejected claims 10-12 and 25 under 35 U.S.C. §102(e) as allegedly being anticipated by Shimkets et al. (WO 02/29058).

Amendments to the Specification

In order to comply with the general standards for the specification, Applicants have amended the disclosure to remove all embedded hyperlinks and/or other forms of browser-executable code and have replaced them with the appropriate reference. In addition, Applicants have updated the status of all referenced U.S. patent applications throughout the specification.

Patentability Arguments

1. 35 U.S.C. §112, first paragraph Rejection

Claim 10 has been amended to be directed to the mature protein and extracellular portion of SEQ ID NO: 4. Support for said regions of SEQ ID NO: 4 can be found in the specification at least on the following pages. Page 10, lines 13-21 describe the extracellular portion of SEQ ID NO: 4 as comprising the portion that does not contain the signal peptide of amino acids 1-17 of SEQ ID NO: 4. Therefore, the extracellular portion consists of amino acid residues 18-1508 of SEQ ID NO: 4. Furthermore, the mature protein coding sequence is defined on page 19, lines 28-31 through page 20, lines 1-4 as a sequence which encodes a peptide or protein without any leader/signal sequence and may or may not include the initial methionine. Therefore, Applicants respectfully submit that the disclosure contains ample description of the extracellular and mature

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portions of SEQ ID NO: 4; thus Applicants respectfully request that the 35 U.S.C. §112, first paragraph rejection be withdrawn.

2. 35 U.S.C. §112, second paragraph Rejection

Claim 10 has been amended to contain language directed to an amino acid sequence rather than a nucleic acid sequence. Claim 12 has been canceled and Claim 25 has been amended to no longer depend from Claim 10. Therefore, in light of the aforementioned amendments, Applicants respectfully request that the 35 U.S.C. §112, second paragraph rejection be withdrawn.

3. 35 U.S.C. §102(e) Rejection

Claims 10-12 and 25 were rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Shimkets et al. As the sequences are similar, but not identical, Applicants have amended Claim 10 to be directed to an amino acid sequence *consisting of* SEQ ID NO: 4, the mature protein or extracellular portion thereof. In view of this amendment, Applicants submit that the 35 U.S.C. §102(e) rejection is moot and should be withdrawn.

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CONCLUSION

On the basis of the foregoing amendments and remarks, Applicants respectfully submit that the pending claims are in condition for allowance, and a Notice of Allowance is respectfully requested as soon as possible. If there are any questions regarding these amendments and remarks, or if further discussion would expedite allowance of the claims, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

Respectfully submitted,

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